**THE HON'BLE SRI JUSTICE N.V. RAMANA**

**W.P. No. 21425 of 2004**

**Oral order**:

The petitioner contending that respondent Nos. 1 and 2 have selected and appointed respondent No.3, who is an unqualified candidate, has filed this writ petition seeking a direction to respondent Nos. 1 and 2 to appoint him in the vacancy that would fall vacant consequent upon the cancellation of the appointment of respondent No.3, who is now placed under suspension.

The learned counsel for the petitioner submits that the petitioner is a contract labour, and as on the cut off date, the petitioner was on the rolls of the contractor, but respondent Nos. 1 and 2 ignoring the case of the petitioner, have selected and appointed respondent No.2, who has not even worked with the contractor, which is evident from the fact that she has been placed under suspension, alleging that she secured employment by producing bogus experience certificate. He thus prayed that respondent Nos. 1 and 2 be directed to appoint him in the vacancy that would fall vacant consequent upon the cancellation of the appointment of respondent No.3 under the 50% vacancies earmarked for absorption of contract labour in terms of B.P. Ms. Nos. 36 and 37, dated 18.05.1997.

On the other hand, the learned Standing Counsel for respondent Nos. 1 and 2 submitted that on finding that respondent No.3 obtained employment by producing false experience certificate, respondent No.1 pending enquiry, placing respondent No.3 under suspension. Respondent No.3 filed writ petition in W.P. No. 23105 of 2003 assailing the suspension order and obtained interim suspension. The enquiry proceedings against respondent No.3 are yet to be concluded. Since the petitioner did not satisfy the norms of APSPDCL, his case for absorption in terms of B.P. Ms. No. 36, dated 18.05.1997, was rejected. He submitted that even if the appointment of respondent No.3 is cancelled, yet it does not confer any right upon the petitioner to seek his appointment in the said post that would fall vacant, and he cannot claim preference over other eligible candidates.

The counsel for respondent No.3 submitted that respondent No.3 is merely placed under suspension pending enquiry. The

enquiry is not over. At any rate, the petitioner cannot claim that he should be appointed in the place of respondent No.3, and more so when enquiry with respect to genuineness or otherwise of the experience certificate produced by her, is pending.

Heard the learned counsel for the petitioner, the learned Standing Counsel for respondent Nos. 1 and 2 and the learned counsel for respondent No.3.

There is no dispute that respondent No.1 placed respondent No.3 under suspension pending enquiry into the allegation that she obtained employment by producing bogus experience certificate. Whether respondent No.3 obtained employment by producing false experience certificate or not, is subject matter of enquiry proceedings before respondent No.1, and already respondent No.1 is said to have concluded the enquiry proceedings. The continuance or otherwise of respondent No.3 in service would depend upon the outcome of the enquiry. Respondent No.3, admittedly, has filed writ petition in W.P. No. 23105 of 2003 assailing the order of suspension, which was dismissed by the orders of this Court today. At any rate, even if it is found in the enquiry proceedings that respondent No.3 had obtained employment by producing false experience certificate, and even if based on such finding, her appointment is cancelled, yet it does not confer any right upon the petitioner to claim appointment in the vacancy that may fall vacant consequent upon the cancellation of appointment of respondent No.3. Petitioner is one of the several candidates whose cases were rejected for appointment against the 50% vacancies earmarked for absorption of contract labour, and in the event, the post held by respondent No.3 is to fall vacant for her alleged production of false service certificate, then respondent No.1 shall consider the case of the petitioner for absorption against the said post, along with other eligible candidates.

The writ petition is devoid of merit, and the same is accordingly dismissed. No costs.

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**N.V. RAMANA, J.**

**Dated: 22nd March, 2007.**
**KSR**